

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YUEFENG SHI, on his own behalf and  
on behalf of others similarly situated,

Plaintiff,

- against -

Case No. 1:19-cv-08502

TL & CG INC.

d/b/a Han;

GUOYONG CHEN

a/k/a Guo Yong Chen

a/k/a John 01 Doe,

GUOQING CHEN

a/k/a Guo Qing Chen

a/k/a Peter Chen

a/k/a Peter Doe,

JIAN XIANG YANG

a/k/a Jianxiang Yang

a/k/a John 02 Doe, and

YI NEN CHEN

a/k/a Yinen Chen,

Defendants.

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**Declaration of Joel Spivak  
in Support of Motion to  
Withdraw as Attorney**

JOEL SPIVAK, ESQ., an attorney admitted to practice law in the State of New York and before the United States District Court for the Southern District of New York, hereby affirms under the penalty of perjury as follows:

1. I am the attorney who represents the remaining Defendants TL & CG Inc. and GUO YONG CHEN (Defendants).

2. I make this Declaration in support of my Motion to withdraw as attorney for those Defendants due to a breakdown of the relationship between my firm and the Defendants' inability and stated intention not to pay legal fees or be able to settle this matter which makes it impossible for the firm to provide further services in connection with this action. Accordingly,

counsel is unable to carry out effective representation which constitutes an irreconcilable conflict between the attorney and client

3. I have worked in this matter since October 15, 2019. In addition to research, advice and consultation, *inter alia*, I prepared and filed an Answer, Discovery Demands and Responses, successfully defended a Motion for Collective Action and a Motion for Summary Judgment, and participated in Mediation, settlement conferences, Court appearances and related-litigation services. Defendants have not asserted that they were not properly represented.

4. As of January 2021, Defendants owed my law firm a substantial sum for legal fees. After Summary Judgment was favorably decided in July 2022, I rendered another bill for which Defendants owe me an additional substantial sum for legal fees.

5. On July 18, 2021, by translator, Defendant Guo Yong Chen advised me that Defendants cannot and will not pay the legal fees owed as of January 2021 or the fee owed as of now. He stated they cannot and will not pay for trial of this matter. He also said they cannot pay a settlement sum. He also told me that for the foregoing reasons he does not want me to represent him or the Corporation any longer.

6. By letter dated July 21, 2022, I advised Defendant Guo Yong Chen of the Court's July 19, 2022 Order directing me to file this Motion to withdraw as attorney. I also advised him that, if granted, he must file a pro se appearance or have new attorney enter an appearance on his behalf. I advised Defendant Guo Yong Chen that the corporation cannot appear pro se and the consequence of non-representation. I also advised him that the Court has directed the parties to meet and confer as to the prospect of settlement and that a joint letter on the status of settlement must be filed by August 18, 2022. I also advised Defendant Guo Yong Chen that my Motion to withdraw as attorney for Defendants Guo Qing Chen and Yi Nen Chen was granted.

7. By letter dated July 21, 2022, I also advised my former clients Defendants Guo Qing Chen and Yi Nen Chen at their last known address that the Court issued an Order granting my Motion to withdraw as their attorney.

8. Defendant Guo Yong Chen has stated that my law firm will not be paid for any past and/or future legal services or settlement of the case. Accordingly, I cannot properly represent Defendant Guo Yong Chen and/or the corporation. The relief requested herein is appropriate where a client has demonstrated a refusal to pay for legal services rendered by his/her attorney, whether for past due or future legal services.

9. In view of all the foregoing, I respectfully request that I be permitted to withdraw as attorney for Defendants.

10. On July 28, 2022, a copy of this Motion was served by regular mail and by overnight delivery (FedEx) to the current and former clients at their last known address, as follows:

**TL & CG Inc. d/b/a Han  
Guoyong Chen a/k/a Guo Yong Chen**  
854 10<sup>th</sup> Avenue  
New York, NY 10019

**Guo Yong Chen**  
27 Maytime Drive  
Jericho, NY 11753

**Guo Qing Chen**  
4308 167<sup>th</sup> Street  
Flushing, NY 11358

**Yi Nen Chen**  
4308 167<sup>th</sup> Street  
Flushing, NY 11358

WHEREFORE, I respectfully request the Court grant leave for me to withdraw as attorney for Defendants.

Dated: Great Neck, New York  
July 28, 2022



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JOEL SPIVAK (JS 9060)  
THE LAW FIRM OF JOEL SPIVAK  
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